

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HANK WILLIAMS POLLOCK JR.,

Plaintiff,

1

JOHN PETERSON.

Defendant.

CASE NO. C14-5232 RBL-JRC

REPORT AND RECOMMENDATION

NOTED FOR:
JULY 25, 2014

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

Plaintiff filed a motion to withdraw his complaint prior to an answer being filed or defendant moving for summary judgment (Dkt. 8). Fed. R. Civ. P. 41(a)(1)(A) allows a plaintiff to dismiss his action without a Court order before an answer or motion for summary judgment is filed. Accordingly, the Court recommends dismissal of this action without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.

1 6. Failure to file objections will result in a waiver of those objections for purposes of de novo
2 review by the district judge. See 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
3 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on July
4 25, 2014, as noted in the caption.

Dated this 7th day of July, 2014.


J. Richard Creature
United States Magistrate Judge